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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,648	03/22/2002	Yi-Chung Chan	VIAP0013USA	6287
7590	10/14/2004		EXAMINER	
NAIPO(North America International Patent Office) P.O. Box 506 Merrifield, VA 22116			PATEL, GAUTAM	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/683,648	CHAN, YI-CHUNG
	<b>Examiner</b>	<b>Art Unit</b>
	Gautam R. Patel	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 July 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

**Response to Amendment:**

1. This is in response to amendment filed on 7-27-04.
2. Claims 1-11 remain for examination.
3. Applicant's arguments regarding objection of drawings has been fully considered and objection of drawings has been withdrawn.

**Claim Rejections - 35 U.S.C. § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hashimoto et al., US. patent 5,963,516 (hereafter Hashimoto).

As to claim 1, Hashimoto discloses the invention as claimed [see Figs. 13 & 17-19] including producing a corrected tracking error signal and controlling the driving device, comprising steps of:

producing a corrected tracking error signal [fig. 17 "TE SET TO Vc signal"], according to the tracking error signal, when the pick-up device is located at a target track related to the off-track period, the corrected tracking error signal being modified from a reference point onward, to mirror the subsequent half cycle of the tracking error signal [col. 14, line 6 to col. 15, line 5]; and

controlling the driving device to enable the pick-up device to lock at the target track, according to the corrected tracking error signal [col. 14, line 6 to col. 15, line 5].

5. The aforementioned claim 2, recites the following steps, inter alia, disclosed in Hashimoto:

a reference value of the tracking error signal is obtained when the pick-up device is located at a common border between the on-track period and the off-track period, and the mirror signal is obtained by taking the reference signal as a reference to convert the tracking error signal [col. 14, line 6 to col. 15, line 5].

6. The aforementioned claim 3, recites the following steps, inter alia, disclosed in Hashimoto:

the step of producing the corrected tracking error signal, when the pick-up device is located at the off-track period related to the target track, the corrected tracking error signal is approximately proportional to a distance between the pick-up device and the target track [col. 14, line 6 to col. 15, line 5].

7. The aforementioned claim 4, recites the following steps, inter alia, disclosed in Hashimoto:

when the access device is located at the on-track period of the target track, using the tracking error signal as the corrected tracking error signal [col. 14, line 6 to col. 15, line 5].

8. The aforementioned claim 5, recites the following steps, inter alia, disclosed in Hashimoto:

differentiating a location of the pick-up device, according to a track cross signal [col. 14, line 6 to col. 15, line 5].

NOTE: In the above claim the Applicants are merely describing how the track cross signal works.

9. The aforementioned claim 6, recites the following steps, inter alia, disclosed in Hashimoto:

the track cross signal is a Radio Frequency Zero Cross (TZC terminal handles this signal) signal [col. 16, lines 30-45].

10. As to claim 7, it is an apparatus claim corresponding to the method of claim 1, and is therefore rejected for the similar reasons set forth in the rejection of claim 1, supra,

11. As to claims 8, and 10-11, they are apparatus claims corresponding to the method of claims 3 and 5-6 and are therefore rejected for the similar reasons set forth in the rejection of claims 3, and 5-6, supra,

12. The aforementioned claim 9, recites the following steps, *inter alia*, disclosed in Hashimoto:

when the pick-up device is located at the on-track period related to the target track, the corrected tracking error signal is the same as the tracking error signal [col. 14, line 6 to col. 15, line 5].

13. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new grounds of rejection.

14. Applicant's amendment necessitated the new grounds of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### Contact Information

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is (703) 308-7940. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To can be reached on (703) 305-4827.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4700 or the group Customer Service section whose telephone number is (703) 306-0377.



**GAUTAM R. PATEL**  
**PRIMARY EXAMINER**

Gautam R. Patel  
Primary Examiner  
Group Art Unit 2655

October 9, 2004